



CRL MP(MD) NO. 8333 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 01.07.2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 8333 of 2025

IN

CRL RC(MD) NO. 769 of 2025

Faiyaz Ahamed

... Petitioner

Vs.

Dharmarajan

... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 438 of BNSS, to suspend the sentence imposed in C.A.No.92 of 2021 on the file of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam dated 12.02.2025 by confirming the conviction imposed in S.T.C.No.731 of 2016 on the file of the learned District Munsif-cum-Judicial Magistrate, Papanasam, dated 28.10.2021.

For Petitioner : Mr.K.Suresh

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in C.A.No.92 of 2021 on the file of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam dated 12.02.2025 by confirming the conviction imposed in S.T.C.No.731 of 2016 on the file of the learned District



CRL MP(MD) NO. 8333 of 2025

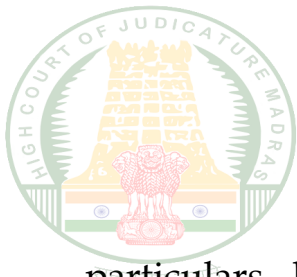
Munsif-cum-Judicial Magistrate, Papanasam, dated 28.10.2021.

WEB COPY

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 28.10.2021 for the offence under Section 138 r/w 142 of the Negotiable Instrument Act, 1881, and the trial Court sentenced him to undergo simple imprisonment for a period of six months and to pay a fine of Rs.2,000/- (Rupees Two Thousand only) and in default, to undergo one month simple imprisonment. Aggrieved over the same, the petitioner preferred C.A.No.92 of 2021 on the file of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam.

3. The learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, confirmed the conviction and sentence, and dismissed the Criminal Appeal No.92 of 2021, dated 12.02.2025. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

4. The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case, and also there are contradictions in material



CRL MP(MD) NO. 8333 of 2025

particulars between the evidence of the prosecution witnesses. Further, he submitted that the petitioner is ready to deposit 25% of the compensation amount (i.e., Rs.1,75,000/- [Rupees One Lakh and Seventy Five Thousand only]) to show his bonafide.

5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future and as such, and also considering the bonafide expressed by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :



CRL MP(MD) NO. 8333 of 2025

WEB COPY

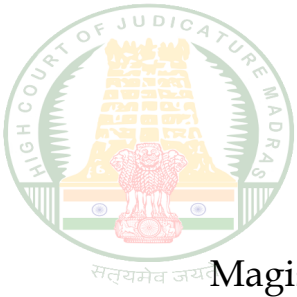
(i) The petitioner shall deposit a sum of Rs.1,75,000/- (Rupees One Lakh Seventy Five Thousand only) to the credit of C.C.No.92 of 2021 on the file of the learned District Munsif-cum-Judicial Magistrate, Papanasam, on or before 28.07.2025, failing which, the sentence suspended shall automatically dismissed, and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(ii) On such deposit, the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Papanasam;

(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iv) The petitioner shall appear before the learned District Munsif-cum-Judicial Magistrate, Papanasam, on all working days at 10.30 a.m., until further orders.

(v) On such deposit, the learned District Munsif-cum-Judicial



CRL MP(MD) NO. 8333 of 2025

WEB COPY

Magistrate, Papanasam, shall re-deposit the said sum in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI.R.C.(MD)No.769 of 2025.

9. List the matter on 29.07.2025 under the caption “for reporting compliance”.

sd/-
01/07/2025

/ TRUE COPY /

/07/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SML

TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE
FAST TRACK COURT KUMBAKONAM.

2.THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PAPANASAM.

3.THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.



WEB COPY



CRL MP(MD) NO. 8333 of 2025

ORDER
IN
CRL MP(MD) NO. 8333 of 2025
IN
CRL RC(MD) NO. 769 of 2025
Date :01/07/2025

PR/03.07 .2025 6P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023